

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CYBER CHAMPION INTERNATIONAL, LTD.,

Case No.: 07 CV 9503 (LAK)

Plaintiff,

- against -

CARLOS FALCHI, MARCOS FALCHI, and  
XYZ COMPANIES,

Defendants.

-----X  
**PLAINTIFF, CYBER CHAMPION INTERNATIONAL, LTD.'S INITIAL  
DISCLOSURE PURSUANT TO RULE 26(a)(1)**

Plaintiff, Cyber Champion International, Ltd, (the "Plaintiff"), by and through counsel, provides these initial disclosures, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure to Defendants, Carlos Falchi and Marcos Falchi (collectively referred to as the "Defendants"), and hereby reserves the right to supplement these responses prior to this action, as follows:

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION  
RELEVANT TO DISPUTED FACTS**

Individual(s) who are likely to have discoverable information that the disclosing party may use to support its claims or defenses, with information regarding the relationship between Defendants and Plaintiff:

**1. CYBER CHAMPION INTERNATIONAL, LTD.**

a. JOHN KHUU, c/o Cyber Champion International, Ltd., c/o King

Kong Leather Ware Limited, Unit 1305-9, 13/F., Kwai Cheong Centre, 40-52 Kwai Cheong Road, Kwai Cheong, New Territories, Hong Kong, China.

- b. One or more employees and/or representatives of Cyber Champion International, Ltd. of or relating to book keeping, record keeping, and/or document management.

The above individuals have knowledge and/or information regarding: (a) the trademark license agreement; and/or (b) the alleged breaches, infringements, violations, wrongful use, and/or and illegal acts by Defendants; and/or (c) the relationship, agreement(s), and/or obligations between the Plaintiff and the Defendants; in connection with the claims asserted in Plaintiff's Complaint.

The above individuals can be contacted through Plaintiff's counsel, Lazarus & Lazarus, P.C., 240 Madison Avenue, 8<sup>th</sup> Floor., New York, New York 10016, (212) 889-7400.

**2. THIRD PARTY/ NON-PARTY WITNESS, IF ANY**

**(i) NEW YORK ACCESSORY GROUP:**

- a. STEPHEN SEGAL, c/o New York Accessory Group, 411 Fifth Avenue, Fourth Floor, New York, New York 10016.
- b. One or more employees and/or representatives of New York Accessory Group, of or relating to book keeping, record keeping,

and/or document management.

**(ii) URBAN ATTITUDES, LLC:**

- a. JOSHUA C. LU, c/o Urban Attitudes, LLC, 15 West 36<sup>th</sup> Street, 11<sup>th</sup> Floor, New York, New York 10018.
- b. One or more employees and/or representatives Urban Attitudes, LLC, of or relating to book keeping, record keeping, and/or document management.

**(iii) HOME SHOPPING NETWORK:**

- a. One or more employees and/or representatives of Home Shopping Network, c/o IAC/Interactive Corp. d/b/a Home Shopping Network, 152 West 57th Street, New York City, New York, of or relating to book keeping, record keeping, and/or document management.

The individuals listed in items 2 above, have knowledge and/or information regarding the conduct constituting the alleged breaches, infringements, violations, wrongful use, and/or and illegal acts by Defendants, in connection with the claims asserted in Plaintiff's Complaint.

Plaintiff will disclose to Defendants any additional persons that it may discover have information relevant to the issues in this lawsuit.

**II. DESCRIPTION BY CATEGORY AND LOCATION OF ALL DOCUMENTS  
RELEVANT TO DISPUTED FACTS ALLEGED IN THE PLEADING**

It is the Plaintiff's belief that the following are the documents possessed by Plaintiff which may be relevant to dispute facts alleged in the Complaint and Answer thereto.

1. Pleadings and documents produced and/or received by Plaintiff in connection therewith, in the action captioned "Carlos Falchi v. Cyber Champion International, Ltd., A British Virgin Islands Corporation", United States District Court of the Southern District of New York, Case Number: 02CV8072.
2. Documents, information and/or communication regarding the United States Patent and Trademark Office registration number 1,116,624.
3. Documents, information and/or communications regarding the United States Patent and Trademark Office registration number 1,477,810.
4. Documents, information and/or communication regarding the United States Patent and Trademark Office, Trademark Trial and Appeal Board, Cancellation Number 92/048280, in connection with registration numbers 1,116,624 and 1,477,810.
5. Documents, communications, information, records, and/or electronic data, in connection with the acquisition of the registration number 1,116,624 by Plaintiff and its predecessors in interest.

6. Documents, communications, information, records, and/or electronic data, in connection with the acquisition of the registration number 1,477,810 by Plaintiff and its predecessors in interest.
7. Documents, communications, information, records, and/or electronic data, reflecting the factual allegations of the Complaint, including documents communications, information, records, and/or electronic data reflecting the wrongful use by Defendants of the "CHI BY FALCHI" marks.
8. Documents, communications, information, records, and/or electronic data, received by Plaintiff from Defendant, Carlos Falchi, on or before December 31, 2004.
9. Documents, communications, information, records, and/or electronic data, received by Plaintiff from Defendant, Carlos Falchi, after December 31, 2004.
10. Documents, communications, information, records, and/or electronic data concerning the License Agreement, dated December 31, 2004.

Documents listed in items 1 thru 7 above are located at the office of Plaintiff's counsel, Lazarus & Lazarus, P.C. at 240 Madison Avenue, 8<sup>th</sup> Floor, New York, New York 10016.

Documents listed in items 8 and 9 above are located at the offices of Plaintiff, c/o King Kong Leather Ware Limited, Unit 1305-9, 13/F., Kwai Cheong Centre, 40-52 Kwai Cheong Road, Kwai Cheong, New Territories, Hong Kong, China.

Documents listed in item 10 above are located at the offices of Plaintiff , c/o King Kong Leather Ware Limited, Unit 1305-9, 13/F., Kwai Cheong Centre, 40-52 Kwai Cheong Road, Kwai Cheong, New Territories, Hong Kong, China, or the offices of Plaintiff's counsel, Lazarus & Lazarus, P.C. located at 240 Madison Avenue, 8<sup>th</sup> Floor, New York, New York.

### **III. COMPUTATION OF DAMAGES**

Plaintiff presently seek a damages in an amount as of yet unknown, to be proven at trial. Plaintiff will seek an award of costs and attorneys fees as allowed by law and statute.

Plaintiff, at this time, has no documents responsive to this computation of damages, other than those referred to above.

Plaintiff reserves the right to supplement this computation at a later time.

### **IV. INSURANCE AGREEMENTS**

Plaintiff is unaware of any insurance which will indemnify or reimburse with respect to this lawsuit.

### **V. EXPERT WITNESS**

Plaintiff, at this time, has not retained at expert witness, but reserves the right to do so.

Plaintiff reserves the right to supplement the within disclosure as further discovery and information become available prior to the trial of this action.

Respectfully submitted this 18 day of January, 2008.

**LAZARUS & LAZARUS, P.C.**

*Attorneys for Plaintiff,*

**CYBER CHAMPION INTERNATIONAL, LTD.**

By: 

**HARLAN M. LAZARUS, ESQ. (HML-0268)**

240 Madison Avenue, 8<sup>th</sup> Floor

New York, New York 10016

(212) 889-7400

**TO: MALDJIAN & FALLON LLC,**  
*Attorneys for Defendant, Marcos Falchi*  
Intellectual Property Counsel  
365 Broad Street, 3rd Floor  
Red Bank, NJ 07701  
**Attn: BRIAN GAYNOR, ESQ.**

- and -

**TO: BALLON STOLL BADER & NADLER, P.C.,**  
*Attorneys for Defendant, Carlos Falchi*  
1450 Broadway, 14th Floor  
New York, NY 10018-2268  
**Attn: DWIGHT YELLEN, ESQ**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CYBER CHAMPION INTERNATIONAL, LTD.,

Case No.: 07 CV 9503 (LAK)

Plaintiff,

- against -

CARLOS FALCHI, MARCOS FALCHI, and  
XYZ COMPANIES,

Defendants.

-----X

**PLAINTIFF, CYBER CHAMPION INTERNATIONAL, LTD.'S**  
**INITIAL DISCLOSURE PURSUANT TO RULE 26(a)(1)**

LAZARUS & LAZARUS, P.C.  
*Attorneys for Defendants*  
240 Madison Avenue, 8<sup>th</sup> Floor  
New York, New York 10016  
Tel. (212) 889-7400